



Supreme Court Decision on DACA
June 22, 2020

Agenda

- ▶ Introduction & Agenda Review (3 min)
- ▶ Context & Movement Response (10 min) - Sanaa Abrar
- ▶ Supreme Court's Decision (10 min) – Mayra Joachin
- ▶ DACA-Related Advocacy (10 min) – Diana Pliego
- ▶ Q&A (25 min)

We Won! What Does This Mean?

- ▶ The Supreme Court rejected Trump's white supremacist agenda and sided with DACA recipients and helped protect immigrant youth and our families from Trump's deportation force.
- ▶ The conditions of this moment and the SCOTUS decision on DACA would not have been possible without the organizing of Black youth & Black-led organizations who are making this country reckon with the role of police in the murders and targeting of Black people.
- ▶ As long as Trump is in the White House, we will see attacks on immigrants, Black people and communities of color
 - ▶ **In order for this decision to stand, the American people have a choice to make this November.**

Background Leading to DACA Decision

- ▶ Supreme Court granted certiorari on 3 consolidated cases before the Court:
 - ▶ *DHS v. Regents of the University of California*
 - ▶ *Wolf v. Batalla Vidal*
 - ▶ *Trump v. NAACP*
- ▶ Oral Argument: November 12, 2019
- ▶ Decision: June 18, 2020



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Opinion

5-4 written by Chief Justice
Roberts

- ▶ Courts have legal authority to review the government's DACA rescission

- ▶ The government violated the Administrative Procedure Act (APA) when it ended DACA

(Slip Opinion)

OCTOBER TERM, 2019

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Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

DEPARTMENT OF HOMELAND SECURITY ET AL. *v.*
REGENTS OF THE UNIVERSITY OF
CALIFORNIA ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE NINTH CIRCUIT

No. 18–587. Argued November 12, 2019—Decided June 18, 2020*

In 2012, the Department of Homeland Security (DHS) issued a memorandum announcing an immigration relief program known as Deferred Action for Childhood Arrivals (DACA), which allows certain unauthorized aliens who arrived in the United States as children to apply for a two-year forbearance of removal. Those granted such relief become eligible for work authorization and various federal benefits. Some 700,000 aliens have availed themselves of this opportunity.

Two years later, DHS expanded DACA eligibility and created a related program known as Deferred Action for Parents of Americans and

“There was much for DHS to consider...”

“ [S]ince 2012, DACA recipients have ‘enrolled in degree programs, embarked on careers, started businesses, purchased homes, and even married and had children, all in reliance’ on the DACA program. . . .

The consequences of the rescission, respondents emphasize, would ‘radiate outward’ to DACA recipients’ families, including their 200,000 U.S.-citizen children, to the schools where DACA recipients study and teach, and to the employers who have invested time and money in training them. . . .

[Additionally,] excluding DACA recipients from the lawful labor force may, they tell us, result in the loss of \$215 billion in economic activity and an associated \$60 billion in federal tax revenue over the next ten years.”

- Slip opinion, at 24

Other Highlights

Majority:

- ▶ Court affirmed opinion from the NAACP case and vacated Secretary Duke's memo ending DACA
- ▶ This means that the DACA program remains in place, as established through the Memo by DHS Secretary Napolitano in 2012

▶ Equal Protection

- ▶ Court concludes that equal protection claims were not sufficiently pled and have not shown that the decision to end DACA was motivated by racial animus
- ▶ Justice Sotomayor dissents

What This Means

- ▶ USCIS can continue accepting and processing renewal applications.
- ▶ The Supreme Court decision requires DHS to again begin accepting initial applications and advance parole applications
 - ▶ We do not know whether the Trump administration will take action limiting these options.
- ▶ We encourage you to speak with an immigration attorney if you intend to apply for renewal or initial.
- ▶ The Information for DACA Recipients and Practitioners Workgroup will share guidance soon.

Federal Advocacy

- ▶ What is happening legislatively?
 - ▶ DACA Supreme Court win changes how the Administration and Congress will react w/r/t legislative solutions
 - ▶ House and Senate working on separate police reform bills
 - ▶ COVID -19: House passed HEROES Act; Senate negotiations expected mid-July
- ▶ Our asks:
 - ▶ We are demanding that USCIS immediately restore the DACA program to its original state before termination (i.e. continue accepting renewals, begin accepting initial applications, and resume processing Advanced Parole)
 - ▶ We continue to call for permanent protections that help people, without hurting people.
 - ▶ Dream and Promise Act (H.R. 6)
 - ▶ Call on Congress to ensure the next COVID-19 relief bill includes automatic extensions of status and protection from deportation for DACA/TPS communities and provides economic relief and healthcare access to all.
 - ▶ Defund ICE & CBP
 - ▶ Uplifting asks by Movement for Black Lives

Dream and Promise Act (H.R. 6)

- ▶ What is the Dream and Promise Act?
 - ▶ A bill that would provide a pathway to citizenship for immigrant youth, DACA, TPS, and DED communities.
 - ▶ Does not contain harmful enforcement provisions or other harmful changes to our immigration system that might decrease pathways for immigrant communities.
- ▶ Where is it in Congress?
 - ▶ House passed it in June 2019
 - ▶ Senate has not taken it up for a vote
- ▶ Now what?
 - ▶ We continue calling for permanent protections that help our communities without also hurting us and call on Members of Congress to do the same. The fight for all our communities continues.
 - ▶ If you are eligible for DACA now, consider renewing and applying for the protections we won.

What Can States and Localities Do To Advance Immigrants' Rights?

- ▶ Disentangle law enforcement from immigration enforcement
- ▶ Pass tuition equity policies to ensure access to higher education for all, regardless of immigration status
- ▶ Work to increase college affordability for all
- ▶ Expand eligibility for drivers' licenses and state issued IDs for all, regardless of immigration status
- ▶ Pass safe space policies for health centers, schools/college campuses, and courthouses
- ▶ Provide funding for deportation defense programs to increase representation for people facing deportation

Federal Advocacy Resources

- ▶ Summary of Dream and Promise Act of 2019 (H.R. 6):
<https://www.nilc.org/issues/immigration-reform-and-executive-actions/summary-of-dream-and-promise-act-of-2019/>
- ▶ FREQUENTLY ASKED QUESTIONS
American Dream and Promise Act of 2019:
<https://www.nilc.org/issues/immigration-reform-and-executive-actions/faq-american-dream-and-promise-act-of-2019/>

Resources

- ▶ Updated Guidance for DACA Recipients Post-SCOTUS Decision: <https://unitedwedream.org/2020/06/post-supreme-court-decision-daca-guidance/>
- ▶ NILC's DACA Resource Page: <https://www.nilc.org/issues/daca/>

Questions?

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